

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

SHAMIKA LATIFFANEY FOSTER

18-05734-CW3-13

JUDGE CHARLES M WALKER

Date: 10/16/18

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 11/7/18.**

**IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 11/21/18 AT 8:30 AM CUSTOMS HOUSE, COURTROOM 1, 701 BROADWAY, 2ND FL, NASHVILLE, TN , 37203.**

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**NOTICE OF MOTION TO DISMISS FOR UNREASONABLE DELAY  
FOR NONAPPEARANCE AND FAILURE TO COMMENCE MAKING PAYMENTS**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion To Dismiss for Unreasonable Delay for Nonappearance and for failure to commence making payments to the Trustee as required by 11 U.S.C. §1326(a)(1) .

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

SHAMIKA LATIFFANEY FOSTER

CASE NO. 18-05734-CW3-13

JUDGE CHARLES M WALKER

10/16/2018

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**TRUSTEE'S MOTION TO DISMISS FOR UNREASONABLE DELAY  
FOR NONAPPEARANCE AND FAILURE TO COMMENCE MAKING PAYMENTS**

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HENRY E. HILDEBRAND, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, hereby moves the Court to dismiss the above-styled case for cause, for unreasonable delay by the debtor that is prejudicial to creditors, pursuant to 11 U.S.C. §1307(c)(1) and for failure to commence making payments to the Trustee as required by 11 U.S.C. §1326(a)(1). In support of the motion, the Trustee would state that the above-referenced debtor failed to appear for the Meeting of Creditors as previously ordered by this Court, with all documents filed with the Court and provided to the Trustee as required by 11 U.S.C. §521.

The failure of the debtor to appear at a Meeting of Creditors with all documents filed with the Court and provided to the Trustee as required by 11 U.S.C. §521 results in an unreasonable delay by the debtor that is prejudicial to creditors and justifies dismissal of the debtor's case.

In addition, the debtor has failed to commence making plan payments to the Trustee as required by 11 U.S.C. §1326(a)(1).

WHEREFORE, THE PREMISES CONSIDERED, the Trustee respectfully moves this Court to dismiss the above-styled case, for cause, for unreasonable delay by the debtor that is prejudicial to creditors, pursuant to 11 U.S.C. §1307(c)(1) for the debtor's failure to appear at a Meeting of Creditors pursuant to this Court's order with all documents filed with the Court and provided to the Trustee as required by 11 U.S.C. §521 and for failure to commence making payments to the Trustee as required by 11 U.S.C. §1326(a)(1).

Respectfully submitted,

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

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**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service , postage prepaid on SHAMIKA LATIFFANEY FOSTER, 300 Bakertown Rd Apt 15G, Antioch, TN 37013;

and by email by Electronic Case Noticing to US Trustee, and LONG BURNETT AND JOHNSON PLLC, Debtor's counsel

on this 17th day of October, 2018.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:  
SHAMIKA LATIFFANEY FOSTER

CASE NO. 18-05734-CW3-13  
JUDGE CHARLES M WALKER  
10/16/2018

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**ORDER DISMISSING CASE**

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It appearing to the Court, based upon the certification of the Trustee as indicated by his electronic signature below, that the Trustee has filed a Motion to Dismiss the above-styled case, for cause and that, pursuant to Rule 9013-1 of the Local Rules of the Bankruptcy Court for the Middle District of Tennessee, has forwarded a copy of that application along with notice and an opportunity to be heard to the debtor, debtor's counsel, and the Assistant U.S. Trustee and that no affected party in interest has objected to or requested a hearing on the Trustee's application, it is

ORDERED, the above-styled case is dismissed, for cause, for unreasonable delay by the debtor that is prejudicial to creditors, pursuant to 11 U.S.C. §1307(c)(1) for the debtor's failure to appear at a Meeting of Creditors pursuant to this Court's order with all documents filed with the Court and provided to the Trustee as required by 11 U.S.C. §521 and for failure to commence making payments to the Trustee as required by 11 U.S.C. §1326(a)(1).

APPROVED FOR ENTRY:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE TOP  
OF THE FIRST PAGE.